

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ADMIRAL INSURANCE COMPANY,

Plaintiff,

- against -

PI DELTA PSI FRATERNITY INC., *et al.*,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

19-CV-5275 (AMD) (CLP)

ANN M. DONNELLY, United States District Judge:

On September 16, 2019, the plaintiff, an insurance provider, brought this action against the defendants—Pi Delta Psi Fraternity Inc., Andy Meng, Qing Yuan Deng, Xiu Fen Liu, and the Estate of Chun Hsien Deng—seeking a declaratory judgment that it does not owe a duty to defend or indemnify the defendants for claims relating to Mr. Deng’s death. (ECF Nos. 1, 10.)

In February of 2020, the plaintiff reported that the parties had reached a settlement in principle, but did not respond to Chief Magistrate Judge Cheryl Pollak’s subsequent orders directing the parties to submit a status report or stipulation of discontinuance, or to the Court’s efforts to contact the parties by telephone. (ECF No. 15.) On June 23, 2020, Judge Pollak directed the parties to submit a status report or stipulation of discontinuance by June 23, 2020, and that “[i]f no such report is received, this Court will recommend that the case be dismissed for lack of prosecution.” (ECF No. 17). Neither party has responded to these orders or contacted the Court. On August 5, 2020, Judge Pollak recommended in a comprehensive report and recommendation that the case be dismissed for failure to prosecute. (ECF No. 18.) No

objections have been filed to the report and recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Pollak’s thoughtful report and recommendation and find no error. Accordingly, I adopt the report and recommendation in its entirety and order that the complaint be dismissed without prejudice.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
October 23, 2020